

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROY D. MORAGA,

Plaintiff,

vs.

JAMES C. MAHAN, *et al.*,

Defendants.

Case No.: 3:20-CV-00210-RCJ-WGC

ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE  
(ECF NO. 3)

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 3<sup>1</sup>) entered on August 19, 2020, recommending that the Court grant Plaintiff's IFP Application (ECF No. 1). On September 24, 2020, in response to the Report and Recommendation (ECF No. 3) Plaintiff filed a Motion to Dismiss Civil Complaint which the court will construe as his objections to Magistrate Judge's Report (ECF No. 4).

This action was referred to Magistrate Judge Cobb under 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

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<sup>1</sup> Refers to Court's docket number.

1 The Court has conducted its *de novo* review in this case, has fully considered the  
2 pleadings and memoranda of the parties including the parties' objections to the Report and  
3 Recommendation and other relevant matters to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2.  
4

5 **IT IS HEREBY ORDERED** that United States Magistrate Judge Cobb's Report and  
6 Recommendation (ECF No. 3), shall be **ADOPTED and ACCEPTED**.

7 **IT IS FURTHER ORDERED** Plaintiff's IFP Application (ECF No. 1) is **GRANTED**.  
8 Plaintiff is not required to pay an initial partial filing fee; however, whenever his prison account  
9 exceeds \$10, he is required to make monthly payments in the amount of 20 percent of the  
10 preceding month's income credited to his account until the full \$350 filing fee is paid. This is  
11 required even if the action is dismissed or is otherwise unsuccessful.  
12

13 **IT IS FURTHER ORDERED** that the Clerk of the Court shall **SEND** a copy of this  
14 order adopting and accepting the Report and Recommendation to the attention of **Chief of**  
15 **Inmate Services for the Nevada Department of Corrections**, P.O. Box 7011, Carson City,  
16 Nevada 89702.  
17

18  
19 **IT IS FURTHER ORDERED** that the Clerk of the Court shall file the Complaint (ECF  
20 No. 1-1).

21 **IT IS FURTHER ORDERED** that this action is **DISMISSED WITH PREJUDICE**, as  
22 to Judge Mahan and Debra Kempf (erroneously named by Plaintiff as Debra Kemp).  
23

24 **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT**  
25 **PREJUDICE** as to Ms. Errichetto.

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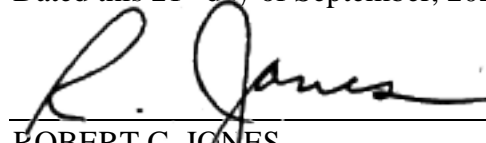
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1       **IT IS FURTHER ORDERED** that all remaining motions are **DENIED AS MOOT.**

2       **IT IS FURTHER ORDERED** that the Clerk of the Court shall close the case.

3       **IT IS SO ORDERED.**

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5       Dated this 21<sup>st</sup> day of September, 2020.

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8       ROBERT C. JONES  
9       United States District Judge